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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

BOARD OF TRUSTEES OF THE
LABORERS HEALTH AND WELFARE
TRUST FUND FOR NORTHERN
CALIFORNIA; BOARD OF TRUSTEES OF
THE LABORERS VACATION-HOLIDAY
TRUST FUND FOR NORTHERN
CALIFORNIA; BOARD OF TRUSTEES OF
THE LABORERS PENSION TRUST FUND
FOR NORTHERN CALIFORNIA; and
BOARD OF TRUSTEES OF THE
LABORERS TRAINING AND RETRAINING
TRUST FUND FOR NORTHERN
CALIFORNIA,

Plaintiffs,

v.

JOHN D. BAKER CONSTRUCTION
COMPANY, a California corporation,

Defendant.

Case No. CV 09 5802 TEH:

**REQUEST TO DISMISS CASE
WITHOUT PREJUDICE; ORDER
THEREON**

Plaintiffs Laborers Trust Funds respectfully request that this Court dismiss this entire action, without prejudice, on the following grounds.


On December 10, 2009 Plaintiffs Laborers Trust Funds filed their Complaint for Damages for Breach of Collective Bargaining Agreement and for a Mandatory Injunction ("Complaint"). Pursuant to the Complaint, Plaintiffs Laborers Trust Funds sought an audit of the books and records of Defendant John D. Baker Construction Company.

1 Defendant John D. Baker Construction Company did submit to the audit and the
2 discrepancy found was relatively minor and will be resolved without further litigation.

3 Based on the above, Plaintiffs respectfully request that this Court dismiss this entire
4 action, without prejudice.

5 DATED: April 15, 2010

6 BULLIVANT HOUSER BAILEY PC

7
8 By 
9 Ronald L. Richman
Susan J. Olson

10 Attorneys for Plaintiffs

11 **ORDER**

12 Plaintiff Laborers Trust Funds having submitted its Request To Dismiss Case Without
13 Prejudice and good cause appearing:

14 IT IS HEREBY ORDERED that this case is dismissed, without prejudice.

15 DATED: April 19, 2010

16 By 
17 HON. THELTON E. HENDERSON
18 UNITED STATES DISTRICT JUDGE



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